

## **REMARKS/ARGUMENTS**

In response to the Examiner's Office Action of July 14, 2008 issued in relation to the present Patent Application, the Applicants submit Amendments to the claims, as well as the below Remarks.

Claims 1-4, 8, 11, 14, 17, 20, 27-29, 32-35, 41, and 47 are presented for examination. Claims 1, 27 and 47 are independent claims.

### ***Regarding Amendments***

Independent claims 1, 27 and 47 have been amended to incorporate therein the features from claim 15 (and 36). Claims 15 and 36 have been cancelled from the application.

### ***Regarding 35 USC 102(e) and 35 USC 103(a) Rejections***

Claims 1, 2, 4, 14, 27, 28, 33, 35 and 47 are rejected as being anticipated by Lubow et al (US Pub. No. 2006/0118631).

Claims 3, 8, 17, 32, and 34 are rejected as being unpatentable over Lubow et al in view of Kirkham (US Pub. No. 2002/0067267).

Claims 11 and 29 are rejected as being unpatentable over Lubow et al in view of Saito (US Pub. No. 2003/0201325).

Claims 20 and 41 are rejected as being unpatentable over Lubow et al in view of Endoh (US 5,818,031).

Claims 15 and 36 are rejected as being unpatentable over Lubow et al in view of Kurokawa (US 5,625,467).

The problem addressed in Labow is to bar code small products, such as unit dose drug products. Such small products have limited space available to accommodate a significant amount of information. Also, the bar codes need to be applied during the production run, since the information specific to the production run has to be included in the information in the barcode.

Lubow teaches a composite bar code symbol which comprises two components. A first component identifies the product and may be a pre-printed. A second component identifies a lot, batch, expiration date or commodity number, and is printed substantially in real time during the production run.

In paragraph [0032] Labow explains the difficulty of labelling small product containers, such as vials and ampoules that carry drugs, on a production line at high speeds since. A typical vaccine label is typically 0.75x2 inches, providing very little space to print a barcode containing a lot of information on such labels, as well as human readable text.

Independent claim 1 defines a method, which includes the step of controlling a printer to thereby print a plurality of coded data portions on an interface surface associated with a product item. The data of each coded data portion is indicative of the product identity data, the product identity data being indicative of an identity of the product item such that the product item is distinguished from each other product item, and of the respective positions of the coded data portions on the interface surface.

With regards to the feature that the data of each coded data portion is indicative of the product identity data the Examiner relies on paragraphs [0086] and [0087], asserting that Labow anticipates that feature. Paragraph [0046] describes the differences between contact and non-contact printers. Paragraph [0047] describes the advantages provided by the use of printers that are computer-controlled by allowing information that relates to a specific production run to be updated as required and printed automatically. Paragraph [0047] further describes how the bar code image which is provided to the printer for printing, may be a 2-D bar code image which is combined with a linear (1-D) bar code to form a composite bar code.

Applicant can find to teaching in paragraphs[0086] and [0087] that multiple coded data portions are printed on the surface, and that each coded data portion includes the product identity data to distinguish the product item from each other product item. In some embodiments the two components of the composite bar code symbol are printed separately, but still form a single symbol. Furthermore, it is only the second component that includes data such as lot, batch, expiration date and commodity number. The first component only identifies the product. With regards to the data in the second component, none of that data is unique to each product item. Rather, all that data is shared by all items manufactured during the same run. Paragraph [0009] explains that a commodity number is allocated for each drug, that is product rather than product item which is different for each instance of the product.

Applicant respectfully disagrees with the Examiner that Labow anticipates printing multiple coded data portions on the surface, with each code identifying the product item, because Labow fails to teach multiple coded data portions identifying the product item. Further, Labow fails to teach coded data portions distinguishing each product item from every other product item, not merely distinguishing the product from other (different) products.

Claim 1, as amended, includes the additional feature that each of the multiple codes printed on the surface is further indicative of the respective positions of the coded data portions on the interface surface. The single composite bar code symbol of Labow does not encode its position. This is confirmed by the Examiner in discussing claim 15 and is relying on Kurokawa for that feature.

Kurokawa relates to providing font pattern data to a facsimile apparatus through a font pattern sheet. Figures 9 and 17 of Kurokawa show examples of such font pattern sheets. The font pattern sheets include 8x8 bar codes arranged in an 8x8 matrix formation to form 64 square segments. Each of the 64 bar codes contains address data indicating a relative position of the bar code within the 64 segments.

Kurokawa does not relate to printing an interface surface associated with a product item. Therefore, Kurokawa does not relate to identifying a product, or the production of codes for doing the same. Therefore, when a skilled addressee desires to improve on the system of Labow, there would be no reason to consider Kurokawa.

Furthermore, the bar codes of Kurakawa contain address data indicating a relative position of the bar code within the 64 segments. The bar codes of Kurakawa do not encode a position on the surface, as is defined in claim 1.

Yet further, even if the combination of Labow and Kurakawa was permissible, that combination still does not teach multiple coded data portions, each encoding a unique product item identifier and position data. By combining the teachings of Labow and Kurakawa a skilled addressee is provided with two codes the first for providing product information, the other for identifying one of 64 segments. That combination thus fails to teach the claimed invention.

The comments above with regards to claim 1 equally applies to independent claims 27 and 47. It is therefore submitted that all the independent claims are patentable over Labow in view of Kurokawa.

Claims 2-4, 8, 11, 14, 17, 20, 28, 29, 32-35, 41, and 47 are dependent on one of claims 1 or 27, and are allowable for at least that reason.

### CONCLUSION

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



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